

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LUIS HERNANDEZ

PLAINTIFF

v.

Civil No. 05-5194

SHERIFF KEITH FERGUSON;
and DR. NEIL MULLINS

DEFENDANTS

ORDER

On April 13, 2007, defendants filed a motion to compel answers to discovery requests (Doc. 26). Defendants state they propounded requests for production of documents to the plaintiff on February 2, 2007. To date, defendants state they have not received plaintiff's responses or any communication from the plaintiff regarding his responses.

Under the Federal Rules of Civil Procedure, plaintiff had thirty (30) days to respond to the discovery requests. Fed. R. Civ. P. 33(b)(3) & 34(b). Plaintiff did not request an extension of time to respond to the discovery requests. Therefore, plaintiff has failed to respond in the time provided by law.

Accordingly, defendants' motion to compel is granted. Plaintiff is directed to provide defendants with the required responses to the discovery requests **by 5:00 p.m. on May 11, 2007.**

Defendants also filed a motion for an extension of time (Doc. 28). Defendants indicate they need additional time to obtain the discovery responses from the plaintiff and his medical records before they can file their summary judgment motion. The motion for an extension of time is granted. Defendants are given until **June 16, 2007**, to file their summary judgment motion.

Once the summary judgment motion is filed, the court will prepare a questionnaire to

assist the plaintiff in responding to the motion. For this reason, plaintiff is directed not to respond to the motion for summary judgment until so ordered by the court.

Dated this 20th day of April 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE